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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 PROVIDENCE ST. PETER HOSPITAL,

12 Petitioner,

13 v.

14 UNITED STAFF NURSES' UNION LOCAL
15 141,

16 Respondent.

Case No. C08-5639RJB

ORDER GRANTING MOTION TO
ALTER OR AMEND THE ORDER
ON CROSS MOTIONS FOR
SUMMARY JUDGMENT

17 This matter comes before the Court on Providence St. Peter Hospital's Motion to Alter or
18 Amend the Order on Cross Motions for Summary Judgment. Dkt. 19. The Court has reviewed
19 the motion and the remaining file herein.

20 On February 19, 2009, the Order on Cross Motions for Summary Judgment ("Order") was
21 filed. Dkt. 17. A final judgment was entered. Dkt. 18. On March 3, 2009, Providence St. Peter
22 Hospital filed the instant motion, seeking a change to one line of the Order. Dkt. 19. The line
23 currently reads: "In light of the fact that the hospital must, under *Wingert v. Yellow Freight*, 146
24 Wn.2d 841, 848 (2002), pay employees time and a half if nurses miss their breaks due to work
25 duties, it may choose to do so." Dkt. 17, at 10. The hospital seeks to have the line changed to
26 read: "In light of the fact that the hospital must, under *Wingert v. Yellow Freight*, 146 Wn.2d 841,
27 848 (2002), pay employees at the appropriate rate if nurses miss their breaks due to work duties, it
28 may choose to do so." *Id.* The motion was noted for consideration on the Court's calendar. The

1 United Staff Nurses' Union Local 141 filed a response, and does not oppose the motion. Dkt. 21.

2 Fed. R. Civ. P. 60 (a) permits the Court to correct a "clerical mistake or mistake arising
3 from oversight or omission whenever one is found in a judgment, order, or other part of the
4 record." Based upon the record, the sentence beginning "In light of" on line 15, of page 10,
5 of the Order should be changed to read: "In light of the fact that the hospital must, under *Wingert*
6 *v. Yellow Freight*, 146 Wn.2d 841, 848 (2002), pay employees at the appropriate rate if nurses
7 miss their breaks due to work duties, it may choose to do so."

8 **III. ORDER**

9 Therefore, it is now **ORDERED** that:

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- 11 • Providence St. Peter Hospital's Motion to Alter or Amend Order on Cross Motions
12 for Summary Judgment (Dkt. 19) is **GRANTED**;
 - 13 • The sentence on line 15, page 10, of the Order on Cross Motions for Summary
14 Judgment (Dkt. 17) which begins "In light of" **SHALL BE AMENDED TO**
15 **READ:** "In light of the fact that the hospital must, under *Wingert v. Yellow*
16 *Freight*, 146 Wn.2d 841, 848 (2002), pay employees at the appropriate rate if
17 nurses miss their breaks due to work duties, it may choose to do so."

18 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel
19 of record and to any party appearing pro se at said party's last known address.

20 DATED this 16th day of March, 2009.

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24 ROBERT J. BRYAN
25 United States District Judge
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